



Hampton Division of Fire & Rescue

Notice of Privacy Practices

The Hampton Division of Fire and Rescue maintains the privacy of certain confidential health care information about you, known as Protected Healthcare Information (PHI). We are required by law to protect your healthcare information and to provide you with the attached Notice of Privacy Practices

Uses and disclosures of PHI: The Hampton Division of Fire and Rescue may use your PHI for the purposes of treatment, payment, and health care operations, in most cases, without your written consent.

- ***Treatment:*** This includes such things as verbal and written information that we obtain about you, and use pertaining to your medical condition and treatment provided to you by us and other medical personnel (including physicians and nurses who give orders to allow us to provide treatment to you). It also includes information we give to other healthcare personnel to whom we transfer your care and treatment, or they to us, and includes transfer of PHI via radio or telephone to the hospital with a copy of the written record we create in the course of providing you with treatment and transport.
- ***Payment:*** This includes any activities we must undertake in order to seek reimbursement for the services we provide to you, including such things as organizing your PHI and submitting bills to insurance companies, management of billed claims for services rendered, medical necessity determinations and reviews, utilization review, and collection of outstanding accounts.
- ***Healthcare operations:*** This includes quality assurance activities and training programs to ensure that our personnel meet our standards of care and follow established policies and procedures, processing grievances and complaints, and creating reports that do not individually identify you for data collection purposes.

Uses and disclosures of PHI without your authorization: The Hampton Division of Fire and Rescue is permitted to use PHI without your written authorization, or opportunity to object in certain situations. EX: treatment, billing

Patient Rights: As a patient, you have a number of rights with respect to the protection of your PHI, including:

- ***The right to access, copy, or inspect your PHI:*** This means you may come to our EMS Branch office to inspect and/or copy most of the medical treatment information about you that we maintain. We may also charge you a reasonable fee for you to copy any medical information that you have the right to access. In limited circumstances, we may deny you access to your medical information, and you may appeal certain types of denials.
- ***The right to amend your PHI:*** You have the right to ask to amend written medical information that we may have about you. We are permitted by law to deny your request

to amend your medical information only in certain circumstances, such as when we believe the information you have asked us to amend is correct.

- ***The right to request an accounting of our use and disclosure of your PHI:*** You may request an accounting from us of certain disclosures of your medical information that we may have made in the last six (6) years prior to the date of your request.
- ***The right to request that we restrict the uses and disclosures of your PHI:*** You have the right to request that we restrict how we use and disclose your medical information that we have about you for treatment, payment, or healthcare operations, or to restrict the information that is provided to family, friends, and other individuals involved in your healthcare. The Hampton Division of Fire and Rescue is not required to agree to any restrictions you request, but any restrictions agreed to you by the Hampton Division of Fire and Rescue are binding on the City of Hampton.

Important Information Regarding EMS, your receiving facility, and HIPAA

Note: This notice is designed to provide EMS, and the receiving medical facility, with information that may be used in situations where HIPAA confusion exists.

Background: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule establishes a foundation of Federal protection for personal health information, carefully balanced to avoid unnecessary barriers to the delivery of quality health care between you, EMS and the receiving facility. The Privacy Rule permits a covered entity (EMS, hospital/receiving facility) to use and disclose protected health information for treatment, payment, and health care operations.

45 CFR 164.501 of the Privacy Rule defines treatment as the provision, coordination or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient or the referral of a patient for health care from one health care provider to another. 45 CFR 164.506 specifically states that a covered entity may disclose protected health information for treatment activities of a health care provider.

Therefore, 45 CFR 164.501 and 45 CFR 164.506 provides EMS personnel with the authority to receive protected health information from the patient and/or receiving facility for purposes of treatment, transport, training and quality assurance practices and subsequently permits EMS personnel to disclose protected health information to another health care provider such as a hospital for continued patient treatment. HIPAA allows health care providers to share information between themselves if they are both involved in the treatment of the patient. Not only may EMS obtain information on a patient they transported to a hospital, but the hospital is also permitted to obtain information from EMS

The HIPAA Privacy Rule also requires that covered entities must provide patients with a Notice of Privacy Practices. However, 45 CFR 164.520 provides specific direction related to the administration of notice. 45 CFR 164.520 (i) (B) states that a covered health care provider that

has a direct treatment relationship with an individual must provide the notice in an emergency treatment situation, as soon as reasonably practicable after the emergency treatment situation.

Therefore, 45 CFR 164.520 would not require EMS personnel to administer the Notice of Privacy Practices to a patient in transport. That can be done by the treating facility when it is practical to do so.

Receiving facilities, as referred to above, include but are not limited to **Sentara CarePlex Hospital, Riverside Regional Medical Center, Bon Secours Mary Immaculate Hospital, VA Medical Center, Langley Air Force Base Hospital, Sentara Norfolk General**, or any other local, state, or federal medical facility approved for the purposes of transport or medical treatment.

Internet, Electronic Mail and the right to obtain a copy of paper notice on request: We will prominently post a copy of this notice on our web site and make the notice available electronically through the web site. If you allow us, we will forward you this notice by electronic mail instead of on paper and you may always request a paper copy of the notice.

Your legal rights and complaints: You have the right to complain to us, or the Secretary of the United States Department of Health and Human Services, if you believe your privacy rights have been violated. You will not be retaliated against in any way for filing a complaint with us or to the government. Should you have any questions, comments, or complaints you may direct all inquiries to the address listed at the end of this notice.

If you have any questions or if you wish to file a complaint or exercise any rights listed in this notice, please contact:

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EMS Branch
1300 Thomas Street
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(757)727-1202